

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/28/2024

NORMA J. RODGERS SOLOMON-EL,

Plaintiff,

-against-

MONTEFIORE MEDICAL CENTER,

Defendant.

1:23-cv-8200 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff, acting *pro se*, commenced this action on September 15, 2023 by filing a Complaint [ECF No. 1]. Plaintiff has not appeared in this action in any capacity since initiating the lawsuit **over nine months ago**. On December 8, 2023, Defendant, with leave of the Court, moved to dismiss the Complaint in its entirety for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). [ECF No. 15]. In the **over six months** since Defendant filed its motion to dismiss, Plaintiff has not opposed the motion or prosecuted her case in any way.

On May 21, 2024, the Court issued an Order to Show Cause directing Plaintiff to file any opposition to Defendant's motion to dismiss and a letter showing cause why this case should not be dismissed for failure to prosecute on or before May 31, 2024. [ECF No. 22]. In the Order, the Court admonished Plaintiff that "she is ultimately responsible for prosecuting her case, and this case may be dismissed for abandoning her claims and/or failure to prosecute her case." [ECF No. 22]. The Clerk of Court mailed a copy of the Order to Plaintiff. Plaintiff failed to respond to the Court's order.

On June 4, 2024, the Court issued a **second** Order to Show Cause directing Plaintiff to file any opposition to Defendant's motion and a letter showing cause why this case should not be dismissed for failure to prosecute on or before June 12, 2024. [ECF No. 23]. In the Order, the

Court again admonished Plaintiff that **“she is ultimately responsible for prosecuting her case, and this case may be dismissed for abandoning her claims and/or failure to prosecute her case.”** [ECF No. 23] (emphasis in original). The Clerk of Court mailed a copy of the Order to Plaintiff. Again, Plaintiff failed to respond to the Court’s order.

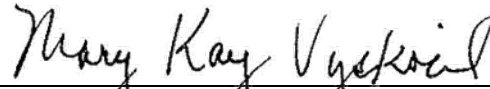
Most recently, on June 13, 2024, the Court issued a **“Final Order to Show Cause,”** providing Plaintiff with a **third** opportunity to respond. In the Order, the Court directed Plaintiff to respond on or before June 27, 2024. [ECF No. 23]. The Court warned Plaintiff that she **“is—for the third time—on notice that she is ultimately responsible for prosecuting her case, and if she fails to respond to this Order, her case will be dismissed for abandoning her claims and failure to prosecute her case.”** [ECF No. 24] (emphasis in original). The Clerk of Court mailed a copy of the Order to Plaintiff. Despite the third opportunity provided to Plaintiff, and an explicit warning that failure to respond would result in dismissal, she again failed to respond.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is dismissed for failure to oppose Defendant’s motion to dismiss and pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633-34 (1962); *see also Yu v. Dreyer’s Grand Ice Cream, Inc.*, 592 F. Supp. 3d 146, 163 (S.D.N.Y. 2022) (“Dismissal is also warranted for the independent reason that [plaintiff] fails to oppose [defendant’s] motion to oppose her [] claim.”); *Wilkov v. Ameriprise Fin. Servs. Inc.*, 753 F. App’x. 44, 46 n.1 (2d Cir. 2018) (affirming dismissal of claims “on the ground that they were ‘abandoned’ by [plaintiff] when she failed to oppose them”); *Hanig v. Yorktown Cent. School Dist.*, 384 F. Supp. 2d 710, 723-724 (S.D.N.Y. 2005) (collecting cases).

The Clerk of Court is respectfully instructed to mail a copy of this Order to Plaintiff and close this case.

SO ORDERED.

Dated: June 28, 2024
New York, New York

A handwritten signature in black ink, reading "Mary Kay Vyskocil", written over a horizontal line.

MARY KAY VYSKOCIL
United States District Judge